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PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	09/739,143
Appellant:	Koichi HATA, et al.
Filed:	December 18, 2000
Title:	METHOD AND APPARATUS FOR IMAGE DATA PROCESSING AND COMPUTER PROGRAM PRODUCT USED THEREIN
TC/A.U.:	2178
Examiner:	Gregory J. Vaughn
Confirmation No.:	9841
Docket No.:	MAT-8070US

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notice Of Appeal filed on July 29, 2005, Appellants are submitting this Appeal Brief for the above-identified application.

I. REAL PARTY IN INTEREST

The real party in interest is Matsushita Electric Industrial Co., Ltd.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-25 are pending. Claims 1-25 have been rejected. Claims 1-25 have been appealed.

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IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to Final Rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a method or apparatus for processing data. The present invention is related to image data and, in particular, document-image data (Appellants' specification, page 7, lines 13-15). The data that is processed also includes positioning data corresponding to the document-image data region data indicating structure of the document image data is also included. An exemplary embodiment of the present invention is illustrated, for example, by Appellants Figure 1. Divided region determining section 101 determines a region of the document image to be divided according to dividing information (page 8, line 17). Image-dividing section 102 divides the document-image data into plural portions (page 8, line 19). The portions of the document image data are processed to control an amount of the document-image data (page 8, line 19). The original structured image data is replaced with the document image data which has been subject to quantity (or amount) control (page 8, line 23). The resultant image data may then be output.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claim 25 has been rejected under 35 U.S.C. Section 112, first paragraph, as failing to comply with the enablement requirement. Claims 1-4, 9-12, and 17-20 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Li et al. (US 6,345,279).

VII. ARGUMENT

Claim 25 has been rejected under 35 U.S.C. Section 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed for the reasons set forth below.

Claim 25 is directed to "a bit map of a document." A step is recited of producing data according to "the bit map of the document." Appellants then divide "the bit map of the document" into plural regions replace one or more of those regions and output "the bit map" with the replaced one or more regions.

The Official Action rejects the claim arguing that:

> The limitation of the claim directed toward the "bit map of the document" is not supported by the originally filed specification (Official Action page 4, paragraph 9, line 5).

In the Response which Appellants filed on May 10, 2005, Appellants made the following arguments:

- While the exact words "bit map" did not appear in the specification as originally filed, Title 35 of the United States Code does not require that the exact words appear for claimed features to be enabling.

- While the exact words "bit map" did not previously appear, the only legal requirement is that "one of ordinary skill in the art" would understand that this concept is "taught" by the specification.

- The Examiner was respectfully requested to conduct a dictionary search of the phrase "bit map" through an internet search engine to confirm how the phrase is interpreted by one of ordinary skill in the art.

On page 9 of Appellants' specification, at lines 9-10, Appellants' document-image data is described as being represented by multi-bit colors. One of ordinary skill in the art understands that representation of data by multi-bit colors is typically done by a bit map representation. Interestingly enough, when the Examiner made a dictionary search of the phrase "bit map" through an internet search engine, the Examiner found the phrase "bit map" to be "related to representing graphics in the form of pixels" (Advisory Action line 7). The dictionary definition found by the

Examiner is in line with Appellants' specific wording of representing document-image data by multi-bit colors. The Examiner appears to be arguing that Appellants' recitation of "bit map of a document" is not taught by the originally filed application because the Examiner found more than one definition for that phrase. The conclusion here should be that appellants' meaning is found in a dictionary - not that the phrase is "unsupported" because the dictionary gave more than one definition. Reversal of the rejection is respectfully requested.

Claims 1-4, 9-12 and 17-20 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Li (U.S. 6,345,279). This rejection is respectfully traversed for the reasons set forth below.

Appellants' invention, as recited by claim 1, includes a feature which is neither disclosed nor suggested by the art of record, namely:

> ...a method of processing data, the data including document-image data...
>
> ...determining a region of the document-image data to be divided...
>
> ...dividing the document-image data into plural portions...
>
> ...processing the document-image data to control an amount of the document-image data...
>
> ...replacing the document-image data before the processing with document-image data after the processing. (emphasis added)

Simply put, the cited reference is not directed to "document-image data." Appellants are requesting reversal of the rejection on that basis.

In order to support the rejection, the Official Action refers to Li and states that:

> Li discloses in Figure 3 at reference sign 100 the division of document-image data...

Li, however, characterizes item 100 differently than it has been characterized in the Official Action. Li at column 4, line 5, states:

> As is well known, a web user (client) makes a requests from his client's advice for some particular web document(s) or other multi-media content which may contain video, images, graphics, text, audio...as shown, a multi-media document W, denoted as reference numeral 100, is composed of a number of content items A_i...thus, the multi-media document may be represented as $W = [A_i]$.

Appellants have claimed processing of a document image. This is different than Li which teaches the processing of a multi-media page. The blocks which appear in Figure 3 of Li do not denote an actual document image. Rather, those blocks merely indicate that certain content items are included as part of multi-media document W. As Appellants' claimed document-image data is absent from the cited reference, reversal of the rejection is respectfully requested.

Appellants' claim 1 also recites that processed document-image data is replaced by replacing the document-image data and positioning data. There is no teaching of this feature, however, by simply looking at Li (Figure 3).

Section 2125 of the MPEP states that it is not proper to use drawings to make arguments based on measurements:

> When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ 2d 1487, 1491 (Fed. Cir. 2000).

In Hockerson, the Court stated:

> The '792 patent is devoid of any indication that the proportions of the groove and fins are drawn to scale ... Under our precedent, ... it is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue. See *In re Wright,* 569 F.2d 1124, 1127, 193 USPQ 332, 335 (CCPA 1977) ("Absent any written description in the specification of quantitative values, arguments based on measurement of a drawing are of little value.") 222 F.3d at 956, 55 USPQ 2d at 1491.

MPEP 2125 also discusses *In re Wright,* 569 F.2d 1124, 193 USPQ 332 (CCPA 1977) regarding the use of drawings. The MPEP points out that the Solicitor had made an argument based on the Solicitor's comparison of the relative dimensions of the drawing figures in the appellant's application with the dimension in the drawing figures in the Bauer prior art device. The Solicitor had argued that the comparison revealed that Bauer use a chime length of roughly ½ to 1 inch for a whiskey barrel. The Court disagreed with the Solicitor's comparison because the Solicitor "ignore[d] the fact that Bauer does not disclose that his drawings are drawn to scale." 569 F.2d at 1127, 193 USPQ at 335. However, the MPEP points out, the Court agreed with the Solicitor's argument that the Bauer reference generally taught that "whiskey losses are influenced by the distance the liquor needs to traverse the pores of the wood." 569 F.2d at 1127, 193 USPQ at 335.

In both of the cases cited in the MPEP, the prior art references did not disclose that its drawings were drawn to scale. Consequently, the Court refused to accord any weight to arguments based on dimensions purportedly discerned from the drawings.

Accordingly, claim 1 is patentable over the art of record.

Claims 9 and 17, while not identical to claim 1, are also patentable over Li for reasons similar to those set forth above with regard to claim 1.

Claims 2-4, 10-12 and 18-20 are patentable by virtue of their dependency on allowable independent claims.

Claims 5-8, 13-16 and 21-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Fields (U.S. Patent No. 6,606,120). The rejection is respectfully traversed.

Regarding claims 5, 13 and 21, these claims, while not identical to claim 1, also recite the feature of replacing positioning data. Thus, these claims are patentable for reasons similar to those set forth above with regard to claim 1.

Regarding claim 7, the Official Action acknowledges that the primary reference, Li, fails to disclose the use of a first and second input. Thus, Fields was combined with Li because Fields discloses multiple inputs. The motivation given to combine Li with Fields is that Fields discloses the benefit of "automatically update material on the hosting web site as it is changes on the content provider web sites." The ability to update material, often referred to in the art as the use of a proxy server, has nothing to do with Appellants' claimed features of first structured image data and second structured image data. Thus, the motivation is improper to combine the references.

Furthermore, Fields is lacking of Appellants' claimed first structured image data and second structured image data. The Official Action refers to Fig. 8 of Fields. Fig. 8 of Fields, however, only discloses multiple copies of the same image data. Thus, not only is there no motivation to combine the references to obtain Appellants' claimed invention, but even by combining the references, Appellants' claimed invention does not result. Accordingly, claim 7 is patentable over the art of record.

Claims 8, 15, 16, 23 and 24, while not identical to claim 7, are also patentable over the art of record for reasons similar to those set forth above with regard to claim 7.

Regarding claim 25, the claim relates to tree-structured data. Specifically, claim 25 recites the steps of:

> ... dividing the bit map of the document into plural regions based on the tree-structured data;
>
> replacing a portion of the tree-structured data to replace one or more of the plural regions of the bit map of the document ...

To reject claim 25, the Official Action combines Li and Fields. The motivation given to modify Li to include Fields' tree-structure data is:

> In order to provide the benefit of 'automatically update material on the hosting web site as it is changes on the content provider web sites'.

Appellants do not understand how the disclosure of automatic update provides a motivation to modify the primary reference to include tree-structured data. The ability to automatically update material is, in a general sense, a desirable attribute of any computer system. Automatically updating data neither explicitly discloses nor implies that this is to be done in a tree-structured manner. Accordingly, the motivation to combine the references through Applicants' claim 25 is erroneous. Withdrawal of the rejection is respectfully requested.

The remaining claims are patentable by virtue of their dependency on allowable independent claims.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully Submitted,

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LEA/dmw

Enclosure: Claims Appendix
Evidence Appendix

Dated: September 29, 2005

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Donna M. Wellings

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APPENDIX OF CLAIMS

Listing of Claims:

1. (Previously Presented) A method of processing data, the data including (i) structured image data including document-image data and corresponding positioning data therein, and (ii) region data indicating a structure of the document-image data, the processing method comprising the steps of:

a) determining a region of the document-image data to be divided according to predetermined dividing information;

b) dividing the document-image data into plural portions according to the region of the document-image data to be divided;

c) processing in a memory individually the portions of the document-image data to control an amount of the document-image data;

d) renewing the structured image data by replacing the positioning data and the document-image data before the processing with positioning data and document-image data after the processing; and

e) outputting the renewed structured image data.

2. (Previously Presented) The method of claim 1, wherein the dividing information includes data that affect a difference between the document-image data after a color-reducing process and the document-image data before the color-reducing process so that the difference is smaller than a predetermined value.

3. (Previously Presented) The method of claim 1, wherein the dividing information includes score data added to at least one of the positioning data and the region data.

4. (Previously Presented) The method of claim 1, wherein the dividing information includes (i) score data, (ii) a transmit capacity of a transmitting path for transmitting the structured image data, and (iii) a user's request, which are added to at least one of the positioning data and the region data.

5. (Previously Presented) A method of processing data, the data including (i) structured image data including document-image data and corresponding positioning data therein, (ii) region data indicating a structure of the document-image data, and (iii) replaced media dividing information added to the region data, the processing method comprising the steps of:

a) determining in a memory a region of the document-image data to be divided according to the replaced media dividing information ;

b) dividing the document-image data into plural portions according to the replaced media dividing information;

c) replacing the document-image data divided according to the replaced media dividing information that is added to the region data corresponding to the divided document image;

d) renewing the structured image data by replacing the positioning data, the document-image data, and the replaced media dividing information; and

e) outputting the renewed structured image data..

6. (Previously Presented) The method of claim 5, wherein the replaced media dividing information is formed by text data added to a region.

7. (Previously Presented) A method of processing data including first input data that includes (i) first structured image data including first document-image data and corresponding positioning data, and (ii) first region data indicating a structure of

structure of the first document-image data by region, and second input data that includes (i) second structured image data including second document-image data and corresponding positioning data, and (ii) second region data indicating a structure of the second document-image data by region, the processing method comprising the steps of:

a) determining in a memory a region of the first input data to be divided, as a region to be renewed, by referring to the second input data;

b) dividing the first document-image data into plural portions according to the region of the first input data to be divided;

c) renewing the first structured image data of the first input data according to the divided first document-image data and further positioning data corresponding to the divided first document-image data;

d) combining the renewed first structured image data with the second structured image data, as combined structured image data; and

e) outputting the combined structured image data.

8. (Previously Presented) A method of processing data, the data including first input data that includes (i) first structured image data including first document-image data and first positioning data, (ii) first region data indicating a structure of the first document-image data by region, and (iii) first score data added to at least one of the first positioning data and the first region data, and second input data that includes (i) second structured image data including second document-image data and second positioning data, (ii) second region data indicating a structure of the second document-image data by region, and (iii) second score data added to at least one of the second positioning data and the second region data, the processing method comprising the steps of:

a) determining in a memory a region of the first input data to be divided, as a region to be renewed, by referring to the second input data;

b) dividing the first document-image data into plural portions according to the region of the first input data to be divided;

c) renewing the structured image data of the first input data according to the divided first document-image data and further positioning data corresponding to the divided first document-image data;

d) combining the renewed first structured image data with the second structured image data, as combined structured image data, using the first and second score data; and

e) outputting the combined structured image data.

9. (Previously Presented) An apparatus for processing data including (i) structured image data including document-image data and corresponding positioning data therein, and (ii) region data indicating an inner structure of the document-image data, the apparatus comprising:

a divided region determining unit to determine a region of the document-image data to be divided according to predetermined dividing information;

an image-dividing unit to divide the document-image data into plural portions according to the region of the document-image data to be divided;

an image processing unit to process individually the divided portions of the document-image data to control an amount of the document-image data;

a structured image renewal unit to renew the structured image data by replacing the positioning data and the document-image data before processing with positioning data and document-image data after processing; and

an outputting unit to output the renewed structured image data.

10. (Previously Presented) The apparatus of claim 9, wherein the dividing information includes data that affect a difference between the document-image data after a color-reducing process and the document-image data before the color-reducing process so that the difference is smaller than a predetermined value.

11. (Previously Presented) The apparatus of claim 9, wherein dividing information includes score data added to at least one of the positioning data and region data.

12. (Previously Presented) The apparatus of claim 9, wherein the dividing information includes (i) score data, (ii) a transmit capacity of a transmitting path for transmitting the structured image data, and (iii) a user's request, which are added to at least one of the positioning data and the region data.

13. (Previously Presented) An apparatus for processing data including (i) structured image data including document-image data and corresponding positioning data therein, (ii) region data indicating a structure of the document-image data, and (iii) replaced media dividing information added to the region data, the apparatus comprising:

a divided region determining unit to determine a region of the document-image data to be divided according to the replaced media dividing information;

an image-dividing unit to divide the document-image data into plural portions according to the region of the document-image data to be divided;

a replacing unit to replace the divided document-image data with the replaced media dividing information that is added to the region data corresponding to the divided document image;

a structured image renewal unit to renew the structured image data by replacing the positioning data, the document-image data, and the replaced media dividing information; and

an outputting unit to output the renewed structured image data.

14. (Previously Presented) The apparatus of claim 13, wherein the replaced media dividing information is formed by text data added to a region.

15. (Previously Presented) An apparatus for processing data including first input data that includes(i) first structured image data including first document-image data and corresponding positioning data, and (ii) first region data indicating a structure of the first document-image data by region; and second input data that includes (i) second structured image data including second document-image data and corresponding positioning data, and (ii) second region data indicating a structure of the second document-image data by region, the apparatus comprising:

a divided region determining unit to determine a region of the first input data to be divided, as a region to be renewed, by referring to the second input data;

an image-dividing unit to divide the first document-image data into plural portions according to the region of the first input data to be divided;

a structured image data renewal unit to renew the first structured image data of the first input data according to the divided first document-image data and further positioning data corresponding to the divided first document-image data;

a structured image data composition unit to combine the renewed first structured

structured image data with the second structured image data, as combined structured image data; and

an outputting unit to output the combined structured image data.

16. (Previously Presented) An apparatus for processing data including first input data that includes (i) first structured image data including first document-image data and first positioning data, (ii) first region data indicating a structure of the first document-image data by region, and (iii) first score data added to at least one of the first positioning data and the first region data, and second input data that includes (i) second structured image data including second document-image data and second positioning data, (ii) second region data indicating a structure of the second document-image data by region, and (iii) second score data added to at least one of the second positioning data and the second region data, the apparatus comprising:

a score-attached divided region determining unit to determine a score-attached region of the first input data to be divided, as a region to be renewed, by referring to the second input data;

an image-dividing unit to divide the first document-image data into plural portions according to the score-attached region of the first input data to be divided;

a structured image data renewal unit to renew the first structured image data of the first input data according to the divided first document-image data and further positioning data corresponding to the divided first document-image data;

a score-attached structured image data composition unit to combine the renewed first structured image data with the second structured image data, as combined structure image data, using the first and second score data; and

an outputting unit to output the combined structure image data.

17. (Previously Presented) A computer program product for processing data, the data including (i) structured image data including document-image data and corresponding positioning data therein, and (ii) region data indicating an inner structure of the document-image data, the program product comprising:

program code for determining a region of the document-image data to be divided according to predetermined dividing information;

program code for dividing the document-image data into plural portions according to the region of the document-image data to be divided;

program code for processing individually the portions of the document-image data to control an amount of the document-image data;

program code for renewing the structured image data by replacing the positioning data and the document-image data before processing with positioning data and document-image data after processing; and

program code for outputting the renewed structured image data.

18. (Previously Presented) The computer program product of claim 17, wherein the dividing information includes data that affect a difference between the document-image data after a color-reducing process and the document-image data before the color-reducing process so that the difference is smaller than a predetermined value.

19. (Previously Presented) The computer program product of claim 17, wherein the dividing information includes score data added to at least one of the positioning data and the region data.

20. (Previously Presented) The computer program product of claim 17, wherein the dividing information includes (i) score data, (ii) a transmit capacity of a

transmitting path for transmitting the structured image data, and (iii) a user's request, which are added to at least one of the positioning data and the region data.

21. (Previously Presented) A computer program product for processing data, the data including (i) structured image data including document-image data and corresponding positioning data therein, and (ii) region data indicating an inner structure of the document-image data, and (iii) replaced media dividing information added to the region data, the program product comprising:

program code for determining a region of the document-image data to be divided according to the replaced media dividing information;

program code for dividing the document-image data into plural portions according to the region of the document-image data to be divided;

program code for replacing the divided document-image data with the replaced media dividing information added to the region data corresponding to a divided document image;

program code for renewing the structured image data by replacing the positioning data, the document-image data, and the replaced media dividing information; and

program code to output the renewed structure image data.

22. (Previously Presented) The computer program product of claim 21, wherein the replaced media dividing information is formed by text data added to a region.

23. (Previously Presented) A computer program product for processing data including first input data that includes (i) first structured image data including first document-image data and corresponding positioning data, and (ii) first region data

data indicating a structure of the first document-image data by region; and second input data that includes (i) second structured image data including second document-image data and corresponding positioning data, and (ii) second region data indicating a structure of the second document-image data by region, the program product comprising:

program code for determining a region of the first input data to be divided, as a region to be renewed, by referring to the second input data;

program code for dividing the first document-image data into plural portions according to the region of the first input data to be divided;

program code for renewing the first structured image data of the first input data according to the divided first document-image data and further positioning data corresponding to the divided first document-image data;

program code for combining the renewed first structured image data with the second structured image data, as combined structure image data; and

program code for outputting the combined structure image data.

24. (Previously Presented) A computer program product for processing data including first input data that includes (i) first structured image data including first document-image data and first positioning data, (ii) first region data indicating a data structure of the first document-image data by region, and (iii) first score data added to at least one of the first positioning data and the first region data; and second input data that includes (i) second structured image data including second document-image data and second positioning data, (ii) second region data indicating a data structure of the second document-image data by region, and (iii) second score data added to at least one of the second positioning data and the second region data, the program product comprising:

program code for determining a region of the first input data to be divided, as a region to be renewed, by referring to the second input data;

program code for dividing the first document-image data into plural portions according to the region of the first input data to be divided;

program code for renewing the structured image data of the first input data according to the divided first document-image data and further positioning data corresponding to the divided first document-image data;

program code for combining the renewed first structured image data with the second structured image data, as combined structured image data, using the first and second score data; and

program code for outputting the combined structured image data.

25. (Previously Presented) A method for processing a bit map of a document, the method comprising:

producing in a memory tree-structured data corresponding to the document according to the bit map of the document;

dividing the bit map of the document into plural regions based on the tree-structured data;

replacing a portion of the tree-structured data to replace one or more of the plural regions of the bit map of the document; and

outputting the bit map having the replaced one or more regions.

EVIDENCE APPENDIX

Appellants' enclose internet dictionary definitions previously made of record in order to traverse the rejection under 35 U.S.C. Section 112.

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define:Bit Map Search Advanced Search Preferences

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Web

Definitions of **Bit Map** on the Web:

- A representation, consisting of rows and columns of dots, of a graphics image in computer memory. The value of each dot (whether it is filled in or not) is stored in one or more bits of data. For simple monochrome images, one bit is sufficient to represent each dot, but for colors and shades of gray, each dot requires more than one bit of data. The more bits used to represent a dot, the more colors and shades of gray that can be represented. bit-mapped graphics become ragged when you shrink or enlarge them.
  www.csc.calpoly.edu/~ebrunner/VocabGraphics.htm

- Method of graphic display using rows and columns of dots, or pixels. Each pixel location corresponds to a location in memory.
  www.pricedrightllc.com/id18.html

- Representation of characters or graphics by individual pixels, or points of light, dark or color, arranged in row (horizontal) and column (vertical) order. Each pixel is represented by either one bit (simple black & white) or up to 32 bits (fancy high definition color).
  www.rockprint.com/dictionary.shtml

- The total of all bit planes used to represent a graphic. Its size is measured in horizontal, vertical and depth of bits. In a one-bit (monochrome) system there is only one bit plane. As additional planes are added color can be described. Two bit planes yield four possible values per imagesel; eight yield 256, and so on.
  www.infocus.com/service/tech_library/techdocs/glossary.asp

- An array of pixels making up an image for screen display or device output. Also referred to as a `paint-type' graphic.
  www.elepub.com/sw/3_010.html

- A group of bits (binary digits) stored in an organised pattern in a computer's memory, which represents an image (a photo or graphic). Each 0 or 1 bit corresponds exactly to each gap (no-dot) or dot in the image.
  www.techwriter.co.nz/nerd-ad.html

- A set of values that specify colors or gray levels in an image.
  www.visionneeds.com/glossary.htm

- A specialized form of an index indicating the existence or nonexistence of a condition for a group of blocks or records.

www.vertaasis.com/glossary.php

- A file format used to transfer graphic images within compatible applications. A BMP file is a neutral format designed for compatibility with all applications Go to top of page
  www.alco.org/help/help090.html

- a dot-by-dot description of an electronic image.
  www.leprint.com/glossaries.html

- In computer imaging, the electronic representation of a page, indicating the position of every possible spot (zero or one).
  www.priorityprinting.ab.ca/gloss.html

- A record of every pixel on a computer screen, contained in the frame buffer of a raster graphics display system. A graphic image kept in a bitmap format of pixels can be displayed on a screen or printed by modern printers.
  www.wiley.com/college/busin/icmis/oakman/outline/glossary/alpha/glos_b.htm

- A graphic made up of individual dots or pixels, much like a needlepoint picture is constructed of individual square stitches. See raster.
  home.earthlink.net/~intelligentlife/ItemMenu/glossary.html

COPY

Display definitions found in **English** Spanish all languages

define:Bit Map Search

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